United Nations A/73/230

General Assembly

Distr.: General
27 September 2018

Original: English

Seventy-third session
Agenda item 74 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Twentieth anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

Report of the Secretary-General*

Summary

The present report is submitted pursuant to General Assembly resolution 72/247. It describes United Nations efforts to promote and implement the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly referred to as the Declaration on Human Rights Defenders, and to take into account the reports of the Special Rapporteur on the situation of human rights defenders. The present report is based on contributions received from 51 stakeholders in total: 8 from States (Cuba, Germany, Norway, Qatar, the Russian Federation, Spain, Turkey and the United States of America), 18 from United Nations departments, agencies and programmes, 6 from national human rights institutions and the rest from civil society and regional organizations. It also contains conclusions and recommendations.

* The present report was submitted late owing to a delayed clearance process beyond the control of the drafting entity.

18-12235 (E) 051018

Please recycle

I. Introduction

1. In paragraph 16 of its resolution 72/247, the General Assembly requested the Secretary-General, in view of the twentieth anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, to undertake a comprehensive assessment and analysis of progress, achievements and challenges related to the ways in which the Office of the United Nations High Commissioner for Human Rights (OHCHR), as well as other relevant United Nations offices and departments and relevant specialized agencies, including at the country level, within their respective mandates, give and can give due consideration to the Declaration and take into account the reports of the Special Rapporteur on the situation of human rights defenders in their work, and assist States in strengthening the role and security of human rights defenders.

2. In paragraph 17 of the resolution, the General Assembly also requested the Secretary-General to undertake his assessment and analysis in cooperation with the Special Rapporteur and in consultation with States, other relevant special procedures mandate holders, relevant treaty bodies, relevant United Nations offices and departments and relevant specialized agencies, including at the country level, as well as national human rights institutions and civil society, and to present the results of this assessment and analysis in a report to the General Assembly at its seventy-third session, containing conclusions and recommendations for effective technical assistance and capacity-building, including good practices thereof and examples of positive impact or change as well as challenges related to the provision of support to States in the implementation of relevant human rights obligations and commitments, recognizing that technical assistance and capacity-building are to be provided in consultation with, and with the consent of, the Member States concerned.

3. On the basis of that request, OHCHR, on behalf of the Secretary-General, sent notes verbales to all Member States and observers on 22 March 2018, requesting the relevant information. Letters requesting relevant inputs were also sent to departments and offices of the Secretariat, international and regional organizations, intergovernmental bodies, the bodies and organizations of the United Nations system, national human rights institutions and non-governmental organizations (NGOs).

4. The present report is not an exhaustive compilation of measures taken by the United Nations to give effect to the provisions of the Declaration and take into consideration the reports of the Special Rapporteur. Rather, it provides a snapshot of some practices as reported and reflected in the contributions received.[1] Section II of the report summarizes the main human rights requirements that flow from international human rights law as captured by the Declaration. Section III reviews measures taken by the United Nations to support States in meeting their commitments under the Declaration while highlighting the challenges described in the contributions received. Section IV outlines some recommendations based on the protection gaps identified on the basis of the inputs received from stakeholders.

5. While the usage in the present report of the term "human rights defender" is largely consistent with the Declaration, it also sometimes refers to civil society with the understanding that not all civil society actors are human rights defenders, but that human rights defenders generally are part of civil society. In his report to the General Assembly at its seventy-third session, the Special Rapporteur defines the term "human rights defender" in line with the Declaration as "any person who, individually or in association with others, acts or seeks to act to promote, protect or strive for the

[1] All original contributions are on file with the Secretariat and are available for consultation.

protection and realization of human rights and fundamental freedoms, at the local, national, regional or international levels. Human rights defenders advocate, vindicate, enforce, protect and promote human rights. Actions taken by human rights defenders must be peaceful." (see A/73/215, para. 15).

II. Declaration on Human Rights Defenders

6. The Declaration on Human Rights Defenders, adopted by the General Assembly in its resolution 53/144, is based on and incorporates human rights enshrined in legally-binding international instruments. The Declaration reaffirms rights that are instrumental to the defence of human rights, including, inter alia, freedom of association, freedom of peaceful assembly, freedom of opinion and expression, and the right to gain access to information, to provide legal aid and to develop and discuss new ideas in the area of human rights (see A/63/288, annex, para. 2).

7. The Declaration thus requires that States:

(a) Recognize the value and important contribution of human rights defenders to peace, sustainable development and human rights;

(b) Respect human rights defenders on a non-discriminatory basis, protect them against any arbitrary action as a consequence of the legitimate exercise of the rights referred to in the Declaration, and ensure access to effective remedies in the case of violations and prompt and impartial investigations of alleged violations;

(c) Reinforce their work by creating an enabling environment, through legislative, administrative and other steps, promoting public understanding of human rights, creating independent national institutions for the promotion and protection of human rights and promoting the teaching of human rights.[2]

III. Steps taken by the United Nations to promote and give effect to the Declaration

A. Supporting dialogue between Governments and human rights defenders

8. The United Nations High Commissioner for Human Rights, in the report entitled "Procedures and practices in respect of civil society engagement with international and regional organizations" (A/HRC/38/18), describes United Nations practices relating to civil society engagement and shows that these practices vary widely, from transparent policies and processes that facilitate participation and exchange to opaque and inconsistent rules governing accreditation, attendance and speaking rights at some meetings and forums and a lack of accountability with regard to decisions restricting access.

9. At the field level, the United Nations has created space for dialogue between Governments, civil society organizations and human rights defenders and served as a platform to bring the sides together. Facilitating mediation has proven useful, not only in overcoming tensions, but also in empowering human rights defenders to claim their rights and actively participate in processes that have a bearing on them. For instance,

[2] See articles 2, 9, 12, 14 and 15 of the Declaration. See also the report of the United Nations High Commissioner for Human Rights on practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned (A/HRC/32/20) and the report of the Special Rapporteur on the situation of human rights defenders on a safe and enabling environment for human rights defenders (A/HRC/25/55).

the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) has created space for dialogue between civil society organizations and Governments, including in the context of preparing alternative reports to United Nations human rights mechanisms.

10. The Economic and Social Commission for Asia and the Pacific (ESCAP) has provided platforms for dialogue between human rights defenders and States, with the ultimate aim of ensuring the effective participation of people, specifically groups in vulnerable situations. The International Fund for Agricultural Development, by funding investment projects of its member States, facilitates dialogue between Governments, civil society organizations and rural communities so that people from rural areas can voice their concerns and effectively participate in decision-making processes on matters relating to them. Moreover, the Food and Agriculture Organization of the United Nations (FAO) has been asked by States to mediate between Governments and indigenous peoples. In Cameroon, the OHCHR office facilitated a dialogue between civil society organizations and law enforcement officers around human rights and protection challenges, especially in the context of implementing counter-terrorism legislation.

B. Recognizing the role of human rights defenders and protecting their security

11. Several contributions emphasized the importance of the United Nations acting in a timely and coordinated fashion in the face of shrinking civic space and imminent threats or other human rights violations experienced by human rights defenders. The joint submission by the Human Rights Defenders Fund and the Coalition of Women for Peace highlighted that in the context of campaigns to delegitimize human rights defenders and illegal attempts to suppress their actions, public support from United Nations bodies and representatives and a professional relationship between them and human rights defenders was extremely important. The International Service for Human Rights noted that timely reaction by the United Nations was important, not only to draw attention to alarming situations, but also to prevent further violations.

12. Some noted that country visits by United Nations officials and/or experts, as well as statements or special procedures communications, conveyed a strong message to States to address structural causes of violations and risks and helped to ensure that defenders' voices were not silenced. The Regional Coalition of Women Human Rights Defenders in the Middle East and North Africa and others called upon the United Nations to pursue efforts, including by increasing country visits, remaining vocal about defenders' pressing issues and advocating for Governments to abide by their human rights obligations and commitments and to provide a safe environment for the work of defenders.

13. Defenders are deemed a key stakeholder by treaty bodies and provide vital information allowing treaty bodies to assess country situations. Treaty bodies regularly recognize the crucial role of human rights defenders in their work, including by acknowledging their contribution in public meetings. Treaty bodies also nurture engagement with human rights defenders and civil society organizations by creating the conditions necessary for a meaningful exchange of information by way of informal briefings on countries under review.

14. In 2017, the Committee on Economic, Social and Cultural Rights issued a statement on human rights defenders and economic, social and cultural rights, with explicit reference to the Declaration on Human Rights Defenders and a previous report of the Special Rapporteur on the situation of human rights defenders. It recognized the role of human rights defenders in monitoring economic, social and

cultural rights, influencing public policies, identifying violations and drawing the attention of the authorities to the consequences of their actions. The statement was subsequently invoked by the Committee several times in dialogues held with delegations of States parties, as well as in its concluding observations to States parties.

15. Most recently, on the margins of the 2018 annual meeting of the Chairs of the human rights treaty bodies, the Special Rapporteur, together with a group of Chairs, Vice-Chairs and committee members, agreed to issue a joint statement to commemorate the twentieth anniversary of the Declaration.[3] In the statement, they emphasized the role of civil society in the international human rights system, including with respect to access to and the provision of information that is essential to monitoring the implementation of United Nations treaties. The joint statement has been endorsed by four treaty bodies to date (the Committee on the Rights of the Child, the Committee on Enforced Disappearances, the Committee on Migrant Workers and the Committee on the Rights of Persons with Disabilities), while the Committee on the Elimination of Racial Discrimination has taken note of the joint statement and agreed with the content, without endorsing it officially. The joint statement will be considered by the remaining committees over the course of their upcoming sessions. Some of the committees have decided to organize hearings with the Special Rapporteur on countries that are considered as particularly at risk for human rights defenders and to include in their concluding observations concrete reference to their protection.

16. Moreover, at its seventy-ninth session, the Committee on the Rights of the Child will hold a day of general discussion on children human rights defenders with the participation of the Special Rapporteur, aimed at raising awareness about this group, allowing children human rights defenders to share experiences and identifying gaps in existing human rights legal frameworks on the protection and empowerment of children human rights defenders. In this regard, Child Rights Connect recommended that the United Nations follow closely the work around this day and engage with the Committee in order to foster recognition of children human rights defenders and the realization of their rights.[4]

17. In its resolution 13/13, the Human Rights Council urged States to publicly acknowledge the legitimate role of human rights defenders and the importance of their work as an essential component of ensuring their protection, and also urged States investigate, in a prompt, effective, independent and accountable manner, complaints and allegations regarding threat or human rights violations perpetrated against human rights defenders or their relatives.

18. The contribution of United Nations country presences towards strengthening the role and security of human rights defenders has been significant in some countries and regions. For example, the United Nations Development Programme regularly cooperates with human rights defenders, for instance, by supporting the first national human rights baseline study in Ukraine, which incorporated a focus on the perception of defenders.

19. At the same time, some contributions pointed to the inconsistency of approaches of United Nations country presences regarding human rights defenders and of the responses by the United Nations at the country level to reported acts of violence or threats against human rights defenders. Also, some civil society submissions highlighted the fact that United Nations presences gave only limited support to civil

[3] See OHCHR, "Joint Statement on the UN Defenders Declaration", 1 June 2018. Available from https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23173&LangID=E.

[4] Input by Child Rights Connect.

society organizations in some countries where civic space was already very reduced. In some countries, notably in the Middle East and North Africa region, NGOs reported that in some cases women defenders did not engage with the United Nations, for fear of repercussions, but also owing to language barriers.

20. The Special Rapporteur observed during his country visits that resident coordinators and country teams had different levels of awareness, understanding and willingness to support human rights defenders. He partially attributed that to the fact that the guidance note on human rights for resident coordinators and United Nations country teams lacked reference to the Declaration and to its definition of human rights defenders. The International Service for Human Rights expressed similar concerns, noting that, while all United Nations entities had the duty to uphold the Charter of the United Nations and its commitments to human rights, the guidelines to steer relevant bodies and representatives in a country in terms of those responsibilities remained vague. OHCHR, at headquarters as well as at the field level, in its plans for the period 2018–2021, has reinforced its commitment to the protection of human rights defenders and of the space in which they operate.

C. Strengthening the response to incidents of intimidation and reprisals

21. Special procedures of the Human Rights Council send communications, individually or jointly, concerning reported incidents where individuals, including defenders, are subject to intimidation or reprisals following cooperation with the United Nations on human rights issues. Reprisals and the need to ensure accountability are also addressed in country and thematic reports of special procedures and during their respective addresses to the Human Rights Council.[5] Moreover, in 2015, special procedures adopted a framework for response to reprisals, and since June 2016, the Coordination Committee of Special Procedures has appointed one of its members as focal point for reprisals.

22. Moreover, in response to the escalating number of reprisals for cooperation with treaty bodies, the Chairs of the human rights treaty bodies endorsed the guidelines against intimidation or reprisals (San José guidelines) at their twenty-seventh annual meeting, in June 2015, and most of the individual treaty bodies themselves later followed suit and have now also appointed rapporteurs or focal points to address this issue. Some of the treaty bodies started taking steps to respond to allegations of reprisals, notably in the form of letters seeking information from States about reported allegations of reprisals by individuals who had cooperated or sought cooperation with treaty bodies.

23. The Human Rights Council has adopted several resolutions to address increasing incidents of reprisals and retaliation against human rights defenders and civil society organizations. In its resolution 12/2, the Council invited the Secretary-General to submit an annual report on reprisals for cooperation with the United Nations, its representatives or mechanisms. In its resolution 22/6, the Council addressed specific threats to civil society space, including limits on sources of funding. In September 2013, the Council adopted its resolution 24/24 on cooperation with the United Nations, its representatives and mechanisms in the field of human rights. In addition, in March 2016, the Council adopted its resolution 31/32 on protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights. In addition to resolutions on human rights defenders and reprisals, the Council has adopted four resolutions specifically

[5] See, for example, A/HRC/34/70 and A/HRC/35/26/Add.2 and A/HRC/35/26/Add.2/Corr.1.

on civil society space in response to increasing threats, beginning in September 2013 (resolutions 24/21, 27/31, 32/31 and 38/12).

24. In October 2016, the Secretary-General designated the Assistant Secretary-General for Human Rights as the senior official to lead efforts within the United Nations system to address intimidation and reprisals against those cooperating with the United Nations on human rights.

25. The World Bank Inspection Panel, an independent complaints mechanism for persons who alleged harm relating to a World Bank-funded project, published guidelines[6] in March 2016 to reduce retaliation risks and respond to retaliation during the Panel process. The Independent Expert on the promotion of a democratic and equitable international order considered that the Inspection Panel held enormous promise for petitioners and should ensure continuous monitoring of World Bank projects, but lacked the authority to enforce its recommendations (see A/HRC/36/40 and A/HRC/36/40/Corr.1).

26. The accountability mechanism for the International Finance Corporation and the Multilateral Investment Guarantee Agency, the Office of the Compliance Advisor Ombudsman, responded to criticism concerning the ineffectiveness of the approach of the World Bank Group to retaliation against people who spoke up against World Bank Group projects by developing an "approach to responding to concerns and threats and incidents of reprisals" for its operations. This document, prepared in consultation with various stakeholders, including civil society organizations, as well as United Nations bodies and experts, gives relevant guidance to the staff and consultants of the Compliance Advisor Ombudsman.[7]

D. Identifying and supporting defenders at particular risk

27. Specific groups of defenders were identified by submitters as being particularly vulnerable to threats, intimidation and persecution. They include defenders advancing gender equality and women's rights, notably sexual and reproductive health rights,[8] defenders active in the fight against discrimination on the basis of sexual orientation and gender identity, including lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals themselves,[9] indigenous peoples and their defenders[10] and those engaged in defending land and environmental rights,[11] especially in the context of climate change and corporate industrial activities.[12] The General Assembly, with a

[6] See http://ewebapps.worldbank.org/apps/ip/PanelMandateDocuments/2016%20Retaliation%20Guidelines.pdf.

[7] See Compliance Advisor Ombudsman, "Approach to responding to concerns of threats and incidents of reprisals in CAO operations". Available from http://www.cao-ombudsman.org/documents/CAO-Reprisals-web.pdf.

[8] Inputs included those from special procedures (Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health), Amnesty International, the International Service for Human Rights, the Regional Coalition of Women Human Rights Defenders in the Middle East and North Africa, FAO, the Department of Economic and Social Affairs of the Secretariat and UN-Women.

[9] Inputs included those from Destination Justice, Amnesty International and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

[10] Inputs included those from the Department of Economic and Social Affairs and the Special Rapporteur on the rights of indigenous peoples.

[11] Inputs from the United Nations Environment Programme, FAO, Amnesty International and the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.

[12] Input from the Working Group on the issue of human rights and transnational corporations and other business enterprises.

view to drawing attention to the particular risks encountered by women defenders, adopted a landmark resolution dedicated to women human rights defenders (resolution 68/181) and has made reference to women defenders in other resolutions, notably resolution 66/164.

28. To raise awareness and deepen understanding of the challenges faced by specific groups of defenders and their role in promoting respect for human rights in the light of the Declaration, the special procedures of the Human Rights Council have issued thematic reports focusing on women human rights defenders (A/HRC/16/44 and A/HRC/16/44/Corr.1 and A/HRC/34/52), indigenous defenders (A/HRC/39/17), environmental defenders (A/71/281), those defending the rights of people on the move (A/HRC/37/51) and human rights defenders active in the field of business and human rights (A/72/170). In addition, the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework stressed the important role played by defenders focusing on corporate responsibility, enabling companies to assess their human rights impacts and facilitating access to justice for victims of business-related abuses. The Working Group on the issue of human rights and transnational corporations and other business enterprises is preparing guidelines for companies on the protection of human rights defenders. In 2015, the Working Group on Enforced or Involuntary Disappearances found that defenders active in promoting economic, social and cultural rights encountered a heightened risk of being subjected to enforced disappearances (see A/HRC/30/38/Add.5).

29. The Department of Economic and Social Affairs of the Secretariat noted that in the case of indigenous defenders, it was fundamental to address the underlying causes of violations of indigenous peoples' rights, and stressed the need for establishing dedicated monitoring mechanisms for the protection of human rights defenders, including indigenous defenders, through national human rights institutions and at the regional level. Similarly, the Special Rapporteur on the rights of indigenous peoples noted in her recent report to the Human Rights Council (A/HRC/39/17) that a crucial underlying cause of the current intensified attacks against indigenous defenders was the lack of respect for indigenous peoples' collective land rights and the failure to provide indigenous communities with secure land tenure.

30. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health noted the interlinkage between gaps in the protection of the right to health and shrinking civic space for those defending that right (see A/HRC/29/33). He stressed that repressive laws relating to NGOs undermined respect for rights and freedoms, for example, laws prohibiting NGOs and human rights defenders from working without official registration and limiting access to foreign funding, which had chilled efforts to promote the rights of marginalized populations worldwide (see A/71/304).

31. Both the Working Group on the issue of discrimination against women in law and in practice and the Special Rapporteur on violence against women, its causes and consequences indicated that women defenders were at heightened risk of violence and human rights violations, and that women participating in public life were often exposed to violence (see A/HRC/23/50). The Working Group called upon States to primarily address the root causes of discrimination against women and also to put in place protection measures that specifically addressed the needs of women human rights defenders.

E. Supporting networks

32. United Nations departments, agencies and programmes frequently support and facilitate the development of networks of civil society organizations and human rights defenders, in recognition that networks can be an effective tool in enhancing mutual support and protection for defenders. In this regard, the Special Rapporteur on the situation of human rights defenders noted that formal and informal networks that connected defenders and supporters to each other were a key factor in protection. Through such networks, human rights defenders shared information, coordinated responses, expressed solidarity, pooled resources and provided psychosocial support to each other. Strong relationships allowed for rapid mobilization in times of crisis. Moreover, robust networks could mitigate the risks of surveillance, threats and attacks.[13]

33. As examples, in Nigeria, the Joint United Nations Programme on HIV/AIDS (UNAIDS) supported the creation of a network of on-call lawyers to prevent and respond to massive arrests following the adoption of the Same-Sex Marriage (Prohibition) Act in January 2014. The network works on increasing legal literacy, advancing sexual and reproductive health rights and promoting a legal environment conducive to an effective HIV response. The United Nations Office on Drugs and Crime (UNODC) launched a global judicial integrity network in Vienna in April 2018, which provides a platform for judges from 100 countries for sharing experiences and good practices and developing tools to curb corruption and strengthen judicial integrity. Similarly, UN-Women assisted in establishing a Cambodian young women's leadership network.

34. The OHCHR regional office for East Africa contributed to the establishment of a women's human rights defenders network comprised of civil society organizations from Djibouti, Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania, which enhanced the members' engagement in regional bodies, including the African Union human rights mechanisms, specifically on sexual and reproductive health rights. Similarly, the United Nations Integrated Peacebuilding Office in Guinea-Bissau supported the formal establishment of a national network of human rights defenders, and in Malawi, OHCHR supported the establishment of a human rights defenders forum, aimed at strengthening the protection of defenders. The OHCHR field presence in Timor-Leste provided technical support for the drafting of a network's terms of reference and for its substantive work, as well as capacity-building programmes aimed at increasing the knowledge of the network's organizations on protection mechanisms.[14]

F. Supporting the development and implementation of laws and policies at the country level

35. Many parts of the United Nations supported legislative and policymaking processes and reforms that relate to human rights defenders. For instance, the United Nations Human Settlements Programme (UN-Habitat), in collaboration with OHCHR, assisted States in developing national legislation against unlawful forced evictions. That work resulted in at least 20 partner States taking action; notable examples include Brazil, Kenya, Saudi Arabia, Ethiopia and South Africa, all of which have strengthened legislative provisions on land tenure and on forced evictions.

[13] Input by the Special Rapporteur on the situation of human rights defenders.

[14] See OHCHR, "United Nations human rights report 2017" (Geneva, May 2018), available from www2.ohchr.org/english/OHCHRreport2017/index.html.

36. Similarly, ESCAP worked closely with its member States on enacting legislation and adopting progressive measures in line with the Beijing Declaration and Platform for Action of 1995 as well as the 2030 Agenda for Sustainable Development, including in relation to women human rights defenders. FAO supported legal and policy processes related to the right to food and access to and management of natural resources as well as policies on indigenous peoples. In that context, FAO has put great emphasis on inclusive policy dialogues in recognition of the importance of including the voices of human rights defenders in such processes.

37. The United Nations Educational, Scientific and Cultural Organization (UNESCO) facilitated the development and review of information and media-related laws, including in Morocco, Myanmar, Somalia and Tunisia, and assisted member States in reforming their national policies on media and information literacy.

38. The Economic Commission for Latin America and the Caribbean (ECLAC) drew attention to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, which was opened for signature on 27 September 2018. It is the first regional environmental agreement in Latin America and the Caribbean that encompasses specific provisions on environmental human rights defenders. ECLAC, together with OHCHR, contributed to the development and conclusion of the Agreement, which reflects the main elements of the Declaration on Human Rights Defenders.

39. The technical guidance of OHCHR field presences has contributed to the adoption of new laws on the protection of human rights defenders in a number of countries, including Burkina Faso, Honduras and the Sudan. In Colombia, OHCHR has promoted a more comprehensive definition of who is a defender, in line with the Declaration.

40. In Kenya, OHCHR provided inputs to the draft national policy on public participation and promoted the participation of women in regional consultations. In Malawi, OHCHR commented on the draft NGO policy and highlighted concerns about protection of the freedom of association. In Guatemala, in 2017, the Office participated in the development of a public policy on the protection of human rights defenders, a project that is ongoing.

41. OHCHR has frequently raised concerns about laws that restrict freedom of expression or freedom of association and has worked closely with the media, civil society actors, the judiciary, religious scholars and other stakeholders to promote respect for freedom of opinion and expression, freedom of peaceful assembly and freedom of association in many locations, including in the Middle East and North Africa region. In Jordan, for example, OHCHR expressed concern over a proposed amendment to the law on the right to freedom of expression and the right to freedom of association, which would have imposed restrictive criteria related to the establishment of associations.

42. Through the treaty body capacity-building programme established in 2015, OHCHR supports States parties in building their ability to implement their human rights treaty obligations. As indicated above, the Declaration sets out the rights enshrined in United Nations human rights treaties. The technical assistance at the national level has resulted in new ratifications of United Nations human rights instruments and the submission of outstanding State party reports, thus contributing to strengthened implementation of the rights set out in the Declaration.

43. International and regional human rights mechanisms also play an essential role in supporting legislative processes. The Special Rapporteur on the situation of human rights defenders has contributed to the development of a model law on the protection

of human rights defenders, an initiative launched by the International Service for Human Rights to support States to put in place laws that recognize and protect defenders. Côte d'Ivoire, the first country on the African continent to adopt a law on the protection and promotion of human rights defenders, used the model law as a reference for the legislation it adopted.

44. United Nations treaty bodies, as well as States within the universal periodic review framework, have on many occasions recommended that States bring their legal and policy frameworks in line with the Declaration, including by reviewing legislation concerning extremism, NGOs and the media. Some contributions suggested, however, that explicit reference to the Declaration within the universal periodic review framework and by treaty bodies should be strengthened.

45. A significant number of contributors recommended that the United Nations pursue its efforts to assist States in developing or strengthening their legislative and policy frameworks to protect human rights defenders and civil society.

G. Strengthening mechanisms on protection and accountability

International level

46. In October 2017, the United Nations Environment Programme (UNEP) and OHCHR convened a webinar on environmental defenders to advance a system-wide understanding of the protection challenges faced by those defenders, to clarify the legal framework applying to them and to identify good practices on how best to mitigate cases of violence.

47. More recently, in March 2018, UNEP adopted a policy entitled "Promoting greater protection for environmental defenders", which identifies violations against indigenous peoples as a key concern requiring stepped-up prevention and protection measures. The policy incorporates the main elements of the Declaration and provides for the establishment of a rapid response mechanism to speak out on individual cases and to advocate for environmental matters. UNEP simultaneously launched the environmental rights initiative, which urges Governments to strengthen institutional capacities to develop and implement policy and legal frameworks that protect environmental rights and aims to assist businesses to better understand their environmental rights obligations.

48. UN-Women, in recognition of the threats to women human rights defenders, including though intimidation and violence, is engaging with civil society to develop a strategy, to be finalized towards the end of 2018, to support women human rights defenders who have suffered such practices. The strategy will include a set of recommendations to support and promote the work of women human rights defenders. UN-Women, together with some universities, supports the Center for Justice and International Law in developing a protocol of standards for the investigation of cases of threats and violence against human rights defenders, journalists and justice officials, with a specific emphasis on women human rights defenders. This instrument, entitled "Protocolo de La Esperanza", is framed as a soft law document that will establish guidelines on the basis of international and regional legal norms on the investigation of threats against human rights defenders.

49. The Office of the United Nations High Commissioner for Refugees (UNHCR) interprets the Convention relating to the Status of Refugees of 1951 by taking into account the Declaration. UNHCR refers to it in policy documents and amicus briefs, and in the determination of the international protection needs of human rights defenders. In its various country eligibility guidelines for assessing the international protection needs of asylum seekers, UNHCR has identified human rights defenders

as a category of persons in need of international protection and looks at the type of human rights violations that defenders experience, together with the availability of remedies in the country, the role of non-State actors and States' inability or unwillingness to hold perpetrators to account.

50. UNESCO supports the global monitoring of attacks against journalists and judicial follow-up to cases of killings through its biennial report of the Director-General on the safety of journalists and the danger of impunity. In November 2017, the UNESCO Executive Board adopted a decision on the safety of journalists. UNESCO plans to scale up its support to member States in setting up national safety mechanisms to bolster journalists' security.

51. The Permanent Forum on Indigenous Issues has taken steps to address attacks directed against indigenous peoples and defenders. The Forum has repeatedly expressed concern about violence against indigenous rights defenders and recommended that States establish monitoring mechanisms to address intimidation and persecution against such defenders. It also recommended that national and transnational corporations adhere to the Guiding Principles on Business and Human Rights to ensure the protection of indigenous defenders. Moreover, at its various sessions, the Permanent Forum has raised the issues of indigenous human rights defenders in dialogue with Member States.

52. In many countries, OHCHR monitors allegations of threats and attacks against human rights defenders and advocates for accountability. In some countries with high numbers of reported killings and threats against human rights defenders, OHCHR has encouraged the establishment of national preventive mechanisms for human rights defenders. In countries where such mechanisms exist, the Special Rapporteur on the situation of human rights defenders, when visiting, meets with them and other stakeholders to assess the effectiveness of those mechanisms and to offer technical cooperation and assistance.

53. The Special Rapporteur on the situation of human rights defenders, in recognition of the role of national human rights institutions in the protection of defenders, has frequently recommended that those institutions develop action plans to protect defenders, establish focal points to coordinate their implementation and interact with defenders on a regular basis. The Special Rapporteur also recommends that national human rights institutions monitor and investigate complaints received from defenders on the violations of their rights (see A/HRC/31/55). A good example is the appointment by the national human rights institution of India of a focal point on the protection of human rights defenders.[15]

54. Special procedures often issue joint statements or send communications, led by the Special Rapporteur on the situation of human rights defenders, in response to allegations concerning attacks or other human rights violations faced by defenders working on a range of rights. They also address allegations of restrictive measures taken by States with the aim of shrinking the civic space, such as imposing travel bans on defenders; initiating criminal proceedings against defenders under the pretext of fighting terrorism or defending national security; amending or introducing new laws on NGOs, including by adding reporting requirements and limiting funding sources; and intensifying unwarranted surveillance of human rights defenders without sufficient safeguards.

Examples of national protection mechanisms

55. In Latin America, five countries (Brazil, Colombia, Guatemala, Honduras and Mexico) have created national protection programmes which, to varying degrees,

[15] Input by the Asian Forum for Human Rights and Development.

provide protection measures for defenders. OHCHR provides technical support to these mechanisms, including in relation to the follow-up to individual cases, to ensure that adequate protection measures are in place for persons at risk. During his official mission to Honduras, the Special Rapporteur on the situation of human rights defenders adopted a joint statement with the national council for the protection of human rights defenders in support of defenders and the role of the mechanisms.[16]

56. In the Plurinational State of Bolivia, OHCHR collaborated with various national entities, including the national army, the national police, the national ombudsperson's office, the human rights division of the Ministry of the Interior and the national protection unit in order to develop mechanisms to protect human rights defenders. As a result, the national army developed and strengthened the national immediate response system to advance stabilization to improve the responses to threats and attacks against organizations that advocate for human rights. Furthermore, a new coordination mechanism was created through which OHCHR informs the police about alleged threats and attacks against human rights defenders, which triggers an immediate response by local police forces and judicial investigation groups. Two OHCHR guidance documents were subsequently issued, outlining the protection that the State should provide to human rights defenders and contributing to the establishment of parameters for police intervention in cases of threats against human rights defenders.

57. In Honduras, to ensure that responses comply with international human rights law, OHCHR has cooperated with the Office of the Attorney General in the elaboration of a protocol for the investigation of crimes committed against human rights defenders, taking into account the experiences of neighbouring countries. In Colombia, OHCHR has encouraged reforms in the Office of the Attorney General relating to the investigation of threats against human rights defenders.

H. Capacity-building and training of defenders

58. Capacity-building activities for civil society organizations and human rights defenders were undertaken by an array of United Nations actors. Following such engagement in various countries and regions, levels of awareness and commitment to the rights to freedom of association, assembly, expression, information and participation have increased. United Nations country presences, including OHCHR field presences,[17] contributed to the development of the capacities of civil society organizations and human rights defenders to know, advocate for, monitor, report and litigate human rights issues.

59. In steps that could also contribute to improving adherence to the Declaration, activities were facilitated that were aimed at increasing youth knowledge about matters that affect them and at enhancing their capacity to influence decision-making processes. UNODC collaborated with bar associations to strengthen the capacity of criminal defence lawyers to ensure judicial and due process safeguards were upheld at all times, and, in partnership with OHCHR, UNODC has started an initiative to strengthen the capacity of women lawyers to represent female terrorism suspects and witnesses of sexual and gender-based violence carried out by terrorist groups.

[16] See www.ohchr.org/Documents/Issues/Defenders/JointStatementConsejoNacionalProteccionDefensores.pdf.

[17] Including in Uganda, Guatemala, Honduras, Cambodia, the regional office for East Africa, the regional office in Bangkok, the United Nations Support Mission in Libya, the office in Doha and the United Nations Integrated Peacebuilding Office in Guinea-Bissau; see OHCHR, "United Nations human rights report 2017" (Geneva, May 2018), available from www2.ohchr.org/english/OHCHRreport2017/index.html.

60. Similarly, UN-Women facilitated advocacy efforts and capacity-building for women human rights defenders in a number of countries. UNEP, together with OHCHR, the Special Rapporteur on human rights and the environment and other stakeholders, started a global process to sensitize judges to constitutional environmental rights. In that context, three regional meetings so far have provided participants with opportunities to exchange experiences and information on environmental rights, including in relation to defenders. UNESCO carries out training for youth groups, women and journalists to deepen their knowledge on the right to information, within the right to freedom of expression, the right to education and the right to equality.

61. Recognizing human rights defenders as key to understanding the needs of local communities and advocating for human rights change, including implementation of the Declaration, United Nations special procedures regularly consult with human rights defenders in the context of country visits and other mandated activities. These meetings also facilitate the direct exchange of knowledge and increase defenders' engagement with international and regional human rights mechanisms. Moreover, the Special Rapporteur on the situation of human rights defenders has developed educational and user-friendly materials to make the Declaration more easily accessible for different audiences, in particular human rights defenders.

62. OHCHR continues to fund the participation of indigenous peoples and persons belonging to minority groups in sessions of United Nations human rights bodies and mechanisms through the United Nations Voluntary Fund for Indigenous Peoples and the Minorities Fellowship Programme fund. This has contributed to empowering human rights defenders not only to know, claim and exercise their rights, but also to advocate for accountability when their rights are violated. These programmes have also increased the engagement of civil society organizations with regional and international human rights mechanisms.

63. OHCHR field presences regularly disseminate information about opportunities to engage with United Nations human rights mechanisms and provide technical assistance to enhance the capacity of human rights defenders and civil society organizations to engage with those mechanisms. Amnesty International, as well as other contributors, noted the need for the Committee on Non-Governmental Organizations of the Economic and Social Council to ensure transparent and fair accreditation processes to enable civil society to fully engage in United Nations forums.[18]

IV. Conclusions and recommendations

64. **The contribution of human rights defenders to the protection and promotion of human rights, development and peace and security is well documented, and their role has strengthened the work of the United Nations in all regions of the world and across myriad challenges, ranging from humanitarian crises to elections. When human rights defenders are engaged and protected, the work of the United Nations is enhanced by the perspectives and experience they bring to the table. Human rights defenders play an important role in the preventive work of the United Nations. Their reports can provide early warning of impeding crises, and their analysis can help us to better understand**

[18] Accreditation-related challenges and recommendations were also addressed in the report of the United Nations High Commissioner for Human Rights to the Human Rights Council on procedures and practices in respect of civil society engagement with international and regional organizations (A/HRC/38/18) and the report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms (A/HRC/36/31).

the root causes of conflict and provide insights regarding potential solutions. At the same time, threats to human rights defenders are themselves an indicator of areas where further engagement is needed. I have previously spoken out on attacks against human rights defenders and reprisals against those who engage with the United Nations on human rights (see A/72/1, para. 97). According to data verified by the United Nations, at least 1,019 human rights defenders were killed in 61 countries across the world from 2015 to 2017 (see E/2018/64, para. 131).

65. The practices described in the present report provide some useful suggestions for enhanced United Nations work in support of the Declaration on Human Rights Defenders. In particular, the catalytic role that networks of human rights defenders can play in protecting human rights and enhancing human rights advocacy and early warning is underscored. Networks also contribute to enhanced engagement in regional and international human rights mechanisms. United Nations departments, agencies and programmes should continue to encourage States to ensure that human rights defenders, in particular those at the grass-roots level, are effectively engaged at relevant stages of legal and policymaking processes.

66. The present snapshot report provides greater understanding of the tools available to the United Nations to support the Declaration and should serve as the impetus for additional action. As a first step towards the development of a more coherent and comprehensive approach to support the Declaration, a further mapping both of positive practices and gaps needs to be completed. This should include a system-wide approach to strengthen civil society space and give guidance on United Nations engagement with and support for human rights defenders, in line with the Declaration and relevant international human rights standards. Working together, we can move closer to fulfilling the promise of the Declaration in its twentieth year.